

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHARLES HILL,)	CASE NO. 8:02CV436
)	
Plaintiff,)	
)	ORDER ON MOTION IN LIMINE
vs.)	
)	
KELLOGG USA, INC.,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's Motion in Limine (Filing No. 65). Plaintiff has not opposed the motion. Many of the issues raised in the motion have been determined by the Court's Memorandum and Order on the Defendant's Motion for Summary Judgment that was filed today. The Court finds that the motion should be granted in part and denied in part. Accordingly,

IT IS ORDERED:

Defendant's Motion in Limine (Filing No. 65) is granted in part and denied in part as follows:

- a. The Court grants the motion and will prohibit evidence regarding the following matters:
 - i. harassment allegedly experienced by the Plaintiff during his employment by Kellogg;
 - ii. Plaintiff being forced out or constructively discharged by Kellogg in December 2001;
 - iii. alleged violations by Kellogg of the Family and Medical Leave Act ("FMLA");

- iv. Plaintiff's application for and denial of disability pension benefits; and
- b. The Court denies the motion without prejudice to reassertion before trial on the following matters:
 - i. Plaintiff's application for, denial of, or receipt of FMLA benefits; and
 - ii. testimony from Plaintiff's health care providers.

DATED this 11th day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge